

The Honorable Marsha J Pechman

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NOV 13 2000 ZG

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
DEPT. 1

AT SEATTLE

JOSHUA SUPNICK, et al., Individually and On) No C-00-0221-P
Behalf of All Others Similarly Situated,) (Consolidated)

Plaintiffs,)

vs)

AMAZON COM, INC. and ALEXA
INTERNET,)

Defendants)

JOINT STATUS CONFERENCE REPORT

DATE November 13, 2000

TIME 1 30 p.m

COURTROOM: The Honorable
Marsha J Pechman

Milberg Weiss Bershad Hynes & Lerach LLP
1001 Fourth Avenue, Suite 3200
Seattle, WA 98154
Telephone 206/839-0730 • Fax 206/839-0728

1 In preparation for the status conference scheduled for November 13, 2000, the parties submit
2 this summary of developments since the last status conference.

3 **I. DISCOVERY**

4 In order to expedite the production of documents, plaintiffs' counsel have met and conferred
5 with defense counsel on numerous occasions regarding the progress of document production,
6 including the timetable and structure of electronic document production. Where, as here, the
7 majority of defendant's documents are in electronic form, for all the reasons discussed at the last
8 status conference as well as specific technical issues that have arisen, arranging for production has
9 been a complex process (plaintiffs have hired a consultant to assist in the process). Defendants
10 anticipate the completing the production of responsive documents and electronic information by the
11 end of this year.

12 Due to the previous settlement discussions and the necessity of additional time to complete
13 document production and provide discovery responses, the parties will not be able to meet the Court-
14 ordered December 15 deadline for completion of fact discovery. Accordingly, the parties will ask
15 the Court to modify the discovery cut-off dates and propose the following dates:

16 Fact Discovery	March 1, 2001
17 Expert Discovery	April 30, 2001
18 Requests for Admission	
19 Serve	May 7, 2001
20 Respond	May 28, 2001
21 Summary Judgment:	
22 Serve	June 21, 2001
23 Opposition	July 20, 2001

24 The dates for all other scheduled events, including the trial date, would remain the same. The parties
25 shall submit a separate stipulation addressing this extension.

26 All plaintiffs (except for plaintiff Sklare) have provided responses to defendants' document
requests, interrogatories and requests for admissions (plaintiff Sklare's responses shall be provided

1 shortly). The parties are currently engaged in a meet-and-confer process to address any perceived
2 deficiencies in plaintiffs' responses

3 The parties have exchanged correspondence in an attempt to assess the nature and substance
4 of evidence being stored in electronic form On October 26, 2000, counsel for the parties had a
5 telephonic meet and confer to further refine outstanding issues and attempt to agree upon a protocol
6 governing electronic discovery The parties hope to reach agreement on the protocol for the
7 production of electronic information by December 15, 2000.

8 **II. SETTLEMENT DISCUSSIONS AND NOTICE**

9 Since the last status conference, per the Court's direction at the last conference the parties
10 have participated in informal written settlement discussions in response to their respective written
11 settlement proposals.

12 On September 27, following the last status conference, plaintiffs sent a notice proposal to
13 defendants On October 6, defendants suggested that if mediation was to proceed before Mr. Marks,
14 then they saw no purpose of sending out class notice "at this time." Plaintiffs believe that, unless
15 more progress is made in terms of reaching resolution informally in the next several weeks,
16 addressing the form and method of notice should not wait upon a mediation session in January, but
17 should be a matter resolved so that if the informal discussions and the mediation do not succeed,
18 notice can go out expeditiously

1 The parties have agreed on the Hon. Jonathan Marks from JAMS/Endispute as a mediator
2 The parties have not yet agreed on a date to commence mediation, if necessary, but expect to
3 schedule the mediation for a date in January 2001

4 DATED November 10, 2000

Respectfully submitted,

5 BERNSTEIN LITOWITZ BERGER &
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(with authority)
(By [Signature])

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(By [Signature])

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DATED: November 10, 2000

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Attorneys for Defendants

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UNITED STATES DISTRICT COURT
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WESTERN DISTRICT OF WASHINGTON
DEPT

JOSHUA SUPNICK, RICHARD C. BIELES,
JR , LOREN STONE, and JOEL D. NEWBY,
individually and on behalf of all others similarly
situated,

No C00 0221 P

Plaintiffs,

DECLARATION OF SERVICE

vs.

AMAZON COM, INC and
ALEXA INTERNET,

Defendants.

I, Lori G Feldman, under penalty of perjury under the laws of the State of Washington,
declare as follows:

1 I am one of counsel for plaintiffs in this action, and have personal knowledge of
the facts set forth herein and am competent to testify hereto

2. On the 10th day of November, 2000, I caused a document entitled Joint Status
Conference Report to be served upon the following attorneys of record for defendants

DECLARATION OF SERVICE

Milberg Weiss Bershad Hynes & Lerach LLP
1001 Fourth Avenue, Suite 3200
Seattle, Washington 98154
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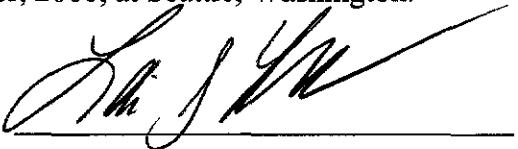
1 Chun T Wright
2 Perkins Coie LLP
3 135 Commonwealth Drive
Menlo Park, CA 94025-1105

David J Burman
Nicholas P Gellert
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4 ☐ By United States Mail
5 ☐ By Legal Messenger
6 ☒ By Facsimile
7 ☐ By Federal Express

☐ By United States Mail
☐ By Hand Delivery
☒ By Facsimile
☐ By Federal Express

8 DATED THIS 10th day of November, 2000, at Seattle, Washington.

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